

COPY

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7 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

8 IN AND FOR THE COUNTY OF MARICOPA

9 THE STATE OF ARIZONA *ex rel.* TERRY
10 GODDARD, the Attorney General, and THE
11 CIVIL RIGHTS DIVISION OF THE
ARIZONA DEPARTMENT OF LAW,

12 Plaintiff,

13 vs.

14 BAZV NEWPORT LIVING, GLENDALE,
15 LLC, a Delaware Corporation, AL-LH DB,
16 LP., a Delaware Limited Partnership,
17 ALLIANCE RESIDENTIAL
MANAGEMENT, LLC, a Texas Limited
18 Liability Company, ALLIANCE
19 RESIDENTIAL MANAGEMENT, LLC, an
Arizona Limited Liability Company,
20 ALLIANCE LIGHTHOUSE DB LP, a
foreign Limited Partnership, MORRISON
21 EKRE & BART MANAGEMENT
22 SERVICES, INC., an Arizona Corporation,
d/b/a NEWPORT LANDING
23 APARTMENTS, ARCH STREET CAPITAL
24 ADVISORS, LLC, a Delaware Limited
Liability Company, ABC Corporations I-X,
25 and DEF Partnerships I-X,

26 Defendants.

CV2007-003109

No.

COMPLAINT FOR DAMAGES AND
INJUNCTIVE RELIEF

(Non-Classified Civil)

27 Plaintiff, the State of Arizona *ex rel.* Terry Goddard, the Attorney General, and the Civil Rights

1 Division of the Arizona Department of Law brings this Arizona Fair Housing action (A.R.S. § 41-1491
2 *et seq.*) to correct disability discrimination arising from Defendants' failure to provide a reasonable
3 accommodation to disabled persons. For its cause of action, Plaintiff alleges the following:

4 JURISDICTION AND VENUE

5 1. This Court has jurisdiction pursuant to A.R.S. § 41-1491.34.

6 2. Venue is proper in Maricopa County pursuant to A.R.S. § 12-401(17).

7 PARTIES

8 3. Plaintiff, the Civil Rights Division of the Arizona Department of Law, is an
9 administrative agency of the State of Arizona established by A.R.S. § 41-1401 to enforce the provisions
10 of the Arizona Civil Rights Act, including the Arizona Fair Housing Act (AFHA).

11 4. The State brings this action, pursuant to A.R.S. § 41-1491.34 and §41-1491.35, on its
12 own behalf and on behalf of Walter Richters and Dorothy Novaez, aggrieved persons under A.R.S. §41-
13 1491. Ms. Novaez is Mr. Richters' mother-in-law, and she lives with Mr. Richters and his wife.

14 5. Upon information and belief, BAZV NEWPORT LIVING, GLENDALE, LLC is an
15 agent, officer, director, manager, or member of and/or has or had a direct or indirect ownership interest
16 in Newport Landing Apartments located at 5205 West Thunderbird Road, Glendale, AZ, 85306
17 between April, 2004 and March, 2006.

18 6. Upon information and belief, AL-LH DB, LP is an agent, officer, director, manager, or
19 member of and/or has or had a direct or indirect ownership interest in Newport Landing Apartments
20 located at 5205 West Thunderbird Road, Glendale, AZ, 85306 between April, 2004 and March, 2006.

21 7. Upon information and belief, ALLIANCE RESIDENTIAL MANAGEMENT, LLC, an
22 Arizona LLC, is an agent, officer, director, manager, or member of and/or has or had a direct or indirect
23 ownership interest in Newport Landing Apartments located at 5205 West Thunderbird Road, Glendale,
24 AZ, 85306 between April, 2004 and March, 2006.

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1 8. Upon information and belief, ALLIANCE RESIDENTIAL MANAGEMENT, LLC, a
2 Texas LLC, is an agent, officer, director, manager, or member of and/or has or had a direct or indirect
3 ownership interest in Newport Landing Apartments located at 5205 West Thunderbird Road, Glendale,
4 AZ, 85306 between April, 2004 and March, 2006.

5 9. Upon information and belief, ALLIANCE LIGHTHOUSE DB LP, a Texas LP, is an
6 agent, officer, director, manager, or member of and/or has or had a direct or indirect ownership interest
7 in Newport Landing Apartments located at 5205 West Thunderbird Road, Glendale, AZ, 85306
8 between April, 2004 and March, 2006.

9 10. Upon information and belief, ARCH STREET CAPITAL ADVISORS, LLC is an agent,
10 officer, director, manager, or member of and/or has or had a direct or indirect ownership interest in
11 Newport Landing Apartments located at 5205 West Thunderbird Road, Glendale, AZ, 85306 between
12 April, 2004 and March, 2006.

13 11. Upon information and belief, MORRISON EKRE & BART MANAGEMENT
14 SERVICES, INC is an agent, officer, director, manager, or member of and/or has or had a direct or
15 indirect ownership interest in Newport Landing Apartments located at 5205 West Thunderbird Road,
16 Glendale, AZ, 85306 between April, 2004 and March, 2006.

17 12. Defendants, ABC Corporations I-X and DEF Partnerships I-X, are presently unknown;
18 pursuant to ARIZ. R. CIV. P. 10(f), the State will amend the Complaint when the true names are
19 discovered.

20 GENERAL ALLEGATIONS

21 13. Mr. Richters is a disabled individual who has a substantial impairment of one or more
22 major life activities.

23 14. Ms. Novaez is a disabled individual who has a substantial impairment of one or more
24 major life activities.

25 15. On numerous occasions, Mr. Richters requested the reasonable accommodation of a
26 single parking space directly in front of his apartment unit from the relevant Defendant between April,
27 2004 and March, 2006. The request was made for himself and on behalf of Ms. Novaez.

16. During Mr. Richters and Ms. Novaez's tenancy, the parking space Mr. Richters requested was regularly vacant and had no assigned tenant.

17. Nevertheless, the Defendants refused to provide the requested accommodation or failed to keep promises to provide the requested accommodation.

STATEMENT OF CLAIM

(Discrimination in Violation of the Arizona Fair Housing Act, A.R.S. § 41-1491.19)

Monetary Relief/ Injunctive Relief

18. The Arizona Fair Housing Act states that a person may not discriminate against any person in the terms, conditions, or privileges of rental of a dwelling or in the provision of services or facilities in connection with the dwelling because of a disability of the following: 1) that renter; 2) a person residing in or intending to reside in that dwelling after it is rented or made available; or 3) a person associated with that renter.

19. Under the Arizona Fair Housing Act (AFHA), disability discrimination includes “[a] refusal to make reasonable accommodations in rules, policies, practices or services if the accommodations may be necessary to afford the person equal opportunity to use and enjoy a dwelling.” A.R.S. § 41-1491.19

20. The denial of the reasonable accommodation constitutes a pattern or practice of violating the AFHA and raises an issue of general public importance; therefore, the State brings this action to vindicate the public interest.

21. Defendants did not make a good faith effort to comply with the AFHA and intentionally discriminated against or acted in reckless disregard of the protected rights of one or more disabled persons in violation of the AFHA.

22. As a result of Defendants' discrimination, upon information and belief, Mr. Richters and Ms. Novaez have suffered actual and monetary damages, including damages for mental anguish, pain, suffering, emotional distress, humiliation, embarrassment, inconvenience, loss of the right to an equal opportunity to enjoy their dwelling, and loss of their rights under the AFHA. Therefore, Mr. Richters and Ms. Novaez are entitled to and should be compensated pursuant to A.R.S. §§ 41-1491.34.

23. Because Defendants engaged in a pattern or practice of discrimination, Defendants are subject to a statutory civil penalty to vindicate the public interest in an amount of not more than fifty thousand dollars (\$50,000.00) for a first violation and one hundred thousand dollars (\$100,000.00) for any subsequent violation under A.R.S. § 41-1491.35(B)(3).

24. Plaintiff is also entitled to injunctive relief against Defendants' actions and entitled to its attorneys fees and costs pursuant to A.R.S. §§ 41-1491.35(B) and 41-1491.36.

25. The Parties have not entered into a conciliation agreement pursuant to A.R.S. § 41-1491.26.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests that this Court do the following:

A. Enter judgment on behalf of Plaintiff, finding that Defendants engaged in an ongoing practice or policy of discrimination against persons with disabilities in violation of the Arizona Fair Housing Act.

B. Grant a permanent injunction prohibiting Defendants, their successors, assigns, and all persons in active concert or participation with Defendants from engaging in any housing practice that discriminates on the basis of disability in violation of the AFHA.

C. Order Defendants to undergo training with respect to the reasonable accommodation provision of the AFHA within three (3) months of the date of the Court entering Judgment against one or more Defendants.

D. Order Defendants to institute and carry out policies and practices, within three (3) months of the date of the Court entering Judgment against one or more Defendants, under which Defendants will provide equal housing opportunities for disabled persons which will eradicate the effects of their unlawful housing practices.

E. Order Defendants to make Mr. Richters and Ms. Novaez whole and award them actual and punitive damages in amounts to be determined at trial, including prejudgment interest.

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1 F. Assess a statutory civil penalty against Defendants in an amount that does not
2 exceed fifty thousand dollars (\$50,000.00) for the first violation and one-hundred-thousand dollars
3 (\$100,000.00) for the second or subsequent violation, pursuant to A.R.S. § 41-1491.35(B).

4 G. Issue an Order authorizing Plaintiff to monitor Defendants' compliance with the
5 AFHA and this Court's Judgment.

6 H. Award payment to Plaintiff for its costs incurred in bringing this action,
7 including its attorneys' fees and taxable costs, and its costs in monitoring Defendants' future
8 compliance with the AFHA.

9 I. Grant such other and further relief as this Court may deem just and proper in the
10 public interest.

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12 Dated this 22nd day of February, 2007.

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14 TERRY GODDARD
Arizona Attorney General

15
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